

LOCAL OPERATING PROCEDURES

IMMIGRATION COURT

SAN FRANCISCO, CALIFORNIA

General

These procedures are adopted under 8 C.F.R. § 3.40 for the purpose of facilitating the convenient and orderly conduct of the business of the Immigration court, San Francisco, California. An Immigration Judge shall have the discretion to relax the applicability of these procedures in the case of a party not represented by an attorney or authorized representative.

Procedure 1: Readiness

All matters set for hearing before an Immigration Judge shall proceed at the time and date scheduled for hearing. Parties shall be prepared to go forward with their cases at the appointed time.

Procedure 2: Filing Procedure and Form of Documents

- All documents and applications shall be filed (1) at the public window in the Immigration Court during regular business hours as posted in the Immigration Court; (2) by first class mail or by private mail service; (3) or as otherwise ordered by an Immigration Judge. Documents and applications submitted by first class mail or private mail service shall be deemed filed as of the date of receipt at the Immigration Court.
- Every document submitted shall bear a clear short statement of purpose. It shall also bear the name of the Judge to whom the case is assigned (if this information has been provided to the respondent/applicant), the A number of the respondent/applicant, and the date and time of the next scheduled hearing in the matter.
- In addition to complying with 8 C.F.R. §§ 3.31 and 3.32, all documents shall be of a page size of

eight and one-half by eleven inches and shall be two-hole punched at the top of the page and paginated. Non-original documents shall be reproduced and submitted as single-sided reproductions only. All documents over ten (10) pages in length shall have a table of contents with page number identification at the beginning thereof. All exhibits to documents shall be identified with letter designations. The use of exhibit tabs is recommended.

- Every pleading, motion, brief, notice of appeal or other document submitted on behalf of a party represented by an attorney or authorized representative shall be signed by such attorney or representative in his or her individual name and shall contain the address and telephone number of such attorney or representative.
- A party who is not represented by an attorney or authorized representative shall sign his or her own pleading, motion, or other document and shall include thereon his or her complete address and telephone number.

Procedure 3: Timely Filing of Hearing Briefs, Exhibits, and Witness Lists

- In addition to complying with 8 C.F.R. §§ 3.31 and 3.32, all pre-hearing briefs and proposed exhibits must be filed with the Immigration Court no later than fifteen (15) calendar days before the scheduled Individual Calendar hearing, unless specifically permitted by the Immigration Judge assigned to the matter. Except for good cause shown, an Immigration Judge will not consider materials that are not timely submitted as in the Procedure. This procedure shall not apply to exhibits which are to be submitted for purposes of rebuttal and impeachment.
- Attorneys shall name all proposed witnesses that they intend to bring to a hearing and provide a brief offering as to each witness's testimony, the length of the witness's testimony, and whether the witness needs an interpreter and, if so, in what language. All proposed witness lists, along with the offers, must be filed within the same time period applicable to briefs and exhibits as noted in the foregoing paragraph. Except for good cause shown, the testimony of a witness who has not been listed shall not be heard. This procedure shall not apply to witnesses whose testimony is offered for the purpose of rebuttal or impeachment.

Procedure 4: Withdrawal and Substitution of Attorneys

- Withdrawal of representation is by permission of the Immigration Judge assigned to the matter in

question. Withdrawal of representation shall be requested by written or oral motion to withdraw addressed to the Immigration Judge. The motion shall set forth:

1. The reason(s) for the request to withdraw;
 2. That a good faith effort was made to find alternative representation for the client, reciting the specific efforts made; or that a list of legal services programs and organization was provided to the client;
 3. The current or last known address of the client;
 4. All efforts made to notify the client of the motion to withdraw; and
 5. That the client has been notified of all outstanding deadlines in the case and of the date, time, and place of the next scheduled hearing before the Immigration Judge; of the necessity of meeting deadlines and appearing at scheduled hearings; and of the consequences of failure to meet deadlines or to appear at scheduled hearings.
- Substitution of representation shall be requested by written or oral motion accompanied by Notice of Entry of Appearance on Form EOIR-28 completed by the attorney or authorized representative to be substituted in.

Procedure 5: Motions for Continuances

- In addition to complying with 8 C.F.R. §§ 3.29, 3.23(a), and 3.32, a request for a continuance of any scheduled hearing shall be upon written motion supported by affidavit or declaration under penalty of perjury setting forth in detail the nature of the request and the reasons thereof. The motion shall include the date and time of the scheduled hearing, the alien's name and registration number, and, if known, the name of the Immigration Judge before whom the matter is set. The motion shall also include a statement as to whether there is opposition by the opposing party. The

request may be denied unless all required information is provided.

- The request shall be filed with the Immigration Court not later than fifteen (15) days before the date of the scheduled Individual Calendar hearing and not later than seven (7) calendar days before the date of a scheduled Master Calendar hearing. Motions that do not comply with the time limits set forth will be considered only in the event of an emergency or other demonstration of good cause.
- The pendency of a motion for continuance does not excuse appearance at any scheduled hearing addressed by the motion unless so indicated by the Immigration Judge.

Procedure 6: Motions to Change Venue

- In addition to complying with 8 C.F.R. §§ 3.20, 3.23(a), and 3.32, a motion for change of venue shall contain a statement whether the respondent/applicant admits or denies the factual allegations and charge(s) in the charging document; the respondent's designation of a country in the event of deportation or a declination to designate such a country; the relief, if any, which the respondent/applicant will be requesting of the Immigration Judge; the date and time of any scheduled hearing; the name of the Immigration Judge before whom the matter is pending; and a clear and detailed statement of the reasons for the request. The motion shall also contain a statement as to whether there is opposition by the opposing party.
- Motions to change venue must be filed at least thirty (30) days before the date of a scheduled Individual Calendar hearing and at least seven (7) days before a scheduled Master Calendar hearing. Motions that do not comply with the time limits set forth will be considered only in the event of an emergency or other good cause shown.
- The pendency of a motion to change venue does not excuse appearance at the scheduled hearing addressed by the motion unless so indicated by the Immigration Judge.
- Nothing in this procedure shall be construed to inhibit the Immigration Judge's authority to waive the provisions of this rule to address expeditiously motions to change venue in custody cases.

Procedure 7: Opposition to Motions Generally

In accordance with 8 C.F.R. § 3.23, any party opposing a motion (other than motions to continue or to change venue before Master Calendar hearings, as provided in Procedures 5 and 6), served in accordance with 8 C.F.R. §§ 3.13 and 3.23, shall file with the Immigration Court a written response to the motion no later than ten (10) days after the service of the motion, unless an Immigration Judge has specifically set an alternate time limit.

Procedure 8: Briefs

A failure to abide by a briefing schedule set by an Immigration Judge may be construed as a waiver or concession of the matter (s) in question.

Procedure 9: Counsel's Change of Address

If an attorney or authorized representative in any matter pending before an Immigration Judge changes address, he or she shall advise the Immigration Court by a written notification solely and specifically for that purpose.